

FIRST REGULAR SESSION

SENATE BILL NO. 102

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LeVOTA.

Pre-filed December 1, 2014, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0446S.011

AN ACT

To repeal section 23.140, RSMo, and to enact in lieu thereof one new section relating to the preparation of fiscal notes by the oversight division of the committee on legislative research.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 23.140, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 23.140, to read as follows:

23.140. 1. Legislation, with the exception of appropriation bills, introduced into either house of the general assembly shall, before being acted upon, be submitted to the oversight division of the committee on legislative research for the preparation of a fiscal note. The staff of the oversight division shall prepare a fiscal note, examining the items contained in subsection 2 **of this section** and such additional items as may be provided either by joint rule of the house and senate or by resolution adopted by the committee or the oversight subcommittee. **In preparing the fiscal note, the division shall utilize the most recent data available.**

2. The fiscal note shall state:

(1) The cost of the proposed legislation to the state for the next [two] **five** fiscal years. **If the proposed legislation provides that the cost to the state shall not begin until after the next two fiscal years, then the fiscal note shall examine the cost to the state for the next five fiscal years after such costs commence. If the proposed legislation provides an expiration or sunset date for the legislation, then the fiscal note shall examine the cost to the state for each year of the proposed legislation until the expiration or sunset of such legislation. The cost shall be**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 **specific as to dollar amount and shall not state the cost as being**
20 **unknown;**

21 (2) Whether or not the proposed legislation will establish a program or
22 agency that will duplicate an existing program or agency;

23 (3) Whether or not there is a federal mandate for the program or agency;

24 (4) Whether or not the proposed program or agency will have significant
25 direct fiscal impact upon any political subdivision of the state;

26 (5) Whether or not any new physical facilities will be required; and

27 (6) Whether or not the proposed legislation will have an economic impact
28 on small businesses. For the purpose of this subdivision "small business" means
29 a corporation, partnership, sole proprietorship or other business entity, including
30 its affiliates, that:

31 (a) Is independently owned and operated; and

32 (b) Employs fifty or fewer full-time employees.

33 3. The fiscal note for a bill shall accompany the bill throughout its course
34 of passage. No member of the general assembly, lobbyist or persons other than
35 oversight division staff members shall participate in the preparation of any fiscal
36 note unless the communication is in writing, with a duplicate to be filed with the
37 fiscal note or unless requested for information by the fiscal analyst preparing the
38 note. Violations of this provision shall be reported to the chairman of the
39 legislative research committee and subject the fiscal note and proposed bill to
40 subcommittee review. Once a fiscal note has been signed and approved by the
41 director of the oversight division, the note shall not be changed or revised without
42 prior approval of the chairman of the legislative research committee, except to
43 reflect changes made in the bill it accompanies, or to correct patent typographical,
44 clerical or drafting errors that do not involve changes of substance, nor shall
45 substitution be made therefor. Appeals to revise, change or to substitute a fiscal
46 note shall be made in writing by a member of the general assembly to the
47 chairman of the legislative research committee and a hearing before the
48 committee or subcommittee shall be granted as soon as possible. Any member of
49 the general assembly, upon presentation of new or additional material, may,
50 within three legislative days after the hearing on the request to revise, change
51 or substitute a fiscal note, request one rehearing before the full committee to
52 further consider the requested change. The subcommittee, if satisfied that new
53 or additional material has been presented, may recommend such rehearing to the
54 full committee, and the rehearing shall be held as soon as possible thereafter.

55 4. The director of the division, hereinafter provided for, or the director's
56 designees, shall seek information and advice from the affected department,
57 division or agency of state government and shall call upon the research staffs of
58 the house of representatives and of the senate, and upon the staffs of the house
59 and senate appropriations committees for assistance in carrying out fiscal notes
60 and evaluations of programs selected by the committee, during the interim, and
61 each staff shall supply such information or advice as it deems appropriate in
62 response to the inquiry. The state auditor shall, upon request, cooperate and
63 provide assistance in the conduct of audits and the preparation of reports made
64 in connection therewith. **No department, division, or agency of state**
65 **government, or any representative thereof, shall provide any response**
66 **or comment to proposed legislation under authority granted by this**
67 **subsection other than as part of the official response of the department,**
68 **division, or agency to the request for the information and advice from**
69 **the director of the division.**

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Bill

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